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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x
4 UNITED STATES OF AMERICA,

v.

22 CR 240 (AKH)

5 SUNG KOOK HWANG and PATRICK HALLIGAN,

6 Defendants.
7 -----x8 New York, N.Y.
9 May 8, 2024
10 10:15 a.m.

Before:

11 HON. ALVIN K. HELLERSTEIN,

12 District Judge
13 APPEARANCES
14 DAMIAN WILLIAMS,
15 United States Attorney for the
16 Southern District of New York
17 BY: MATTHEW D. PODOLSKY
18 ANDREW M. THOMAS
19 ALEXANDRA ROTHMAN
20 SAMUEL ROTHSCHILD
21 Assistant United States Attorneys
22 FRIEDMAN KAPLAN SEILER ADELMAN & ROBBINS LLP
23 Attorneys for Defendant Halligan
24 BY: MARY MULLIGAN
25 KRAMER LEVIN NAFTALIS & FRANKEL LLP
26 Attorneys for Defendant Hwang
27 BY: BARRY H. BERKE
28 DANI R. JAMES
29 JORDAN L. ESTES

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1 APPEARANCES (Continued)

2 ALSO PRESENT:

3 Anna Gamboa, USAO Paralegal
4 Arjun Ahuja, USAO Paralegal
5 Madeline Sonderby, USAO Paralegal
6 Ray McLeod, Defense Tech

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1 (Case called)

2 THE COURT: We begin the trial of United States v.
3 Sung Kook Hwang and Patrick Halligan.

4 Before I take the poll of who is here, I would like to
5 outline what our procedures will be this morning. Although
6 we've discussed them, I don't think they are on the record.

7 Our goal this morning is to find 60 people who are
8 able to sit for what is estimated to be an eight-week trial. I
9 hope that it will not last eight weeks. I have a way of
10 shortening a lot of trials, as you may have noted from various
11 of my rulings that were already made, but we have to tell the
12 jury that lawyers estimate the trial that it will take eight
13 weeks. So we are going to ask them who is able to sit.

14 Alyssa, where is that piece of paper?

15 Now, we're going to bring up --

16 How many people, Brigitte?

17 THE DEPUTY CLERK: 200. 50 at a time.

18 THE COURT: We have 200 ready to come up. They'll be
19 brought up 50 at a time, and we'll fill the seats at the back.

20 But since excuses tend to be contagious, we thought it
21 better to have jurors come in one by one into a very large jury
22 room that we have, to question them on the record, and I'll
23 give you the protocol for questioning and then to make a
24 decision together whether the juror should be required or
25 should not be required to sit.

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1 In either event, the juror will be excused for the
2 rest of the day. If the juror qualifies to sit, the juror will
3 be told to come back to this room when called tomorrow for the
4 voir dire. If the juror is excused, the juror will be told to
5 call the jury clerk for further instructions.

6 And the jurors will be ushered out of the robing room
7 in a different door so that they will not see the remaining 50
8 who are here.

9 Now, there is less room in the robing room than there
10 is in this courtroom, so we have to limit the number of people
11 who come. We can accommodate four from the government, two
12 from each defendant and the defendant, making a total of six.
13 The defense can switch as they wish, but there is only six
14 seats that are available for the defendants.

15 Any questions so far?

16 MR. PODOLSKY: No questions, your Honor.

17 The one thing I was going to propose --

18 THE COURT: We have another set of issues to come up.
19 Do you have any questions so far?

20 MR. PODOLSKY: No, your Honor.

21 THE COURT: OK. Then wait.

22 Avid members of the press who are sitting so
23 expectedly with mouths open on the side to witness what is
24 going on, I can't accommodate all of you in the robing room.

25 I would ask you to elect two of you as pool

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1 representatives, and I will ask about your discretion. What
2 the jurors will say about their plans and their jobs and their
3 personal situations should be private and not be public. The
4 law requires me to expose the trial to the public
5 accountability, and I intend to do that, but I will need your
6 assistance to make sure we do not abuse the rightful rights to
7 privacy of each particular juror. This procedure is, of
8 course, public and you can report it as that, but when it comes
9 to individuals, please, it's important that we reserve to them
10 their privacy.

11 Now, when the juror comes in, I will say something
12 along the lines of the following:

13 You are here to be considered for a jury in a criminal
14 case, United States v. Sung Kook Hwang, or Bill Hwang as he is
15 known, and Patrick Halligan.

16 The government alleges that defendants violated the
17 racketeering, securities, and wire fraud laws. Defendants deny
18 that they violated the laws and are presumed to be innocent.
19 The government has the burden to prove the allegations against
20 the defendants beyond a reasonable doubt. The jury's verdict
21 will determine if the government has satisfied its burden.

22 Counsel estimate that the trial should last eight
23 weeks, but I will do my best to make it shorter consistent with
24 fairness to all parties. Generally we will hear evidence
25 Mondays through Thursdays, 10:00 a.m. to 5:00 p.m., or other

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1 days 4:00 p.m., with breaks for lunch and coffee. It's not
2 likely that you will have to sit on Fridays.

3 Do you have a substantial reason why you are not able
4 to perform your civic duty to sit as a juror in this case?

5 That's the speech I intend to give, and we'll then
6 find what the juror says.

7 Mr. Berke.

8 MR. BERKE: Your Honor, one small issue.

9 After your Honor had shared that with us earlier, we
10 jointly had made one request on the Friday issue, just to give
11 some greater flexibility depending on the pace of the trial.

12 Your Honor had so ordered our request, but if your
13 Honor is still willing, the language we requested, or some
14 version of that your Honor was comfortable with, is the current
15 plan is that you will not have to report most Fridays, although
16 that could change during the course of the trial.

17 THE COURT: That's good.

18 I adopt it.

19 MR. BERKE: Thank you.

20 THE COURT: Any other question?

21 MR. PODOLSKY: I would just propose, your Honor,
22 that --

23 THE COURT: Mr. Podolsky.

24 MR. PODOLSKY: -- depending on how quickly we're
25 moving and going through jurors, if we get through 60, maybe

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1 consider going up to a higher number just to make sure that
2 when we do for cause strikes and voir dire tomorrow, we have a
3 sufficient number.

4 THE COURT: I think 60 is sufficient, if they can sit.

5 This is not a case involving narcotics where people
6 may have relatives who are hung up with narcotics laws. It's a
7 securities case. The number will have engaged in securities at
8 a level where you might want to challenge them even though they
9 say they could be fair, but I think 60 is sufficient.

10 MR. PODOLSKY: Your Honor, I mentioned it. I'm happy
11 to take it as it comes, not that I think 60 won't be
12 sufficient. But just to avoid the small chance that 60 doesn't
13 end up being sufficient and we have to call a new venire,
14 that's just to protect against that possibility.

15 THE COURT: What do you say, Mr. Berke, Ms. Mulligan?

16 MR. BERKE: Your Honor, we would be open to pre-
17 Clearing more jurors in an excess of caution, if your Honor is
18 open to that.

19 THE COURT: Ms. Mulligan.

20 MS. MULLIGAN: Your Honor, we concur in the
21 preclearance that is acceptable to the court.

22 Thank you.

23 THE COURT: So be it. 80.

24 MR. PODOLSKY: Thank you, your Honor.

25 MR. BERKE: Thank you, Judge.

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1 THE COURT: All right. Who is present for the
2 government?

3 Andrew Thomas.

4 MR. THOMAS: Here, your Honor.

5 Good morning.

6 THE COURT: Matthew Podolsky.

7 MR. PODOLSKY: Current. Present, your Honor.

8 THE COURT: Alexandra Rothman.

9 MS. ROTHMAN: Good morning, your Honor.

10 THE COURT: Samuel Rothschild.

11 MR. ROTHSCHILD: Good morning, your Honor.

12 THE COURT: And.

13 MS. SONDERBY: Madeline Sonderby. I'm a paralegal.

14 THE COURT: Madeline, what is your last name?

15 MS. SONDERBY: Sonderby.

16 MS. GAMBOA: Anna Gamboa, also a paralegal.

17 G-a-m-b-o-a. Anna, A-n-n-a.

18 THE COURT: Anna G-o-n-b-o-s --

19 MS. GAMBOA: G-a-m-b-o-a.

20 THE COURT: Got it.

21 For the Defendant Hwang, Barry Berke?

22 MR. BERKE: Good morning, your Honor.

23 THE COURT: Dani James.

24 MS. JAMES: Good morning, your Honor.

25 THE COURT: Jordan Estes.

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1 MS. ESTES: Good morning, your Honor.

2 THE COURT: And Mr. Hwang, of course.

3 Sir, what's your name?

4 MS. MCLEOD: Ray McLeod, M-c-L-e-o-d.

5 MR. BERKE: Your Honor, Mr. McLeod is our
6 extraordinary courtroom technician to put up exhibits and all
7 the rest throughout the trial.

8 THE COURT: Thank you, Mr. McLeod.

9 For the Defendant Halligan.

10 MS. MULLIGAN: Good morning, your Honor.

11 THE COURT: Mary Mulligan, Friedman Kaplan.

12 MS. MULLIGAN: Yes, your Honor.

13 THE COURT: Are you going to be alone during the
14 trial, Ms. Mulligan?

15 MS. MULLIGAN: Your Honor, I am here today with
16 Mr. Halligan.

17 I'll be joined by colleagues later.

18 THE COURT: We should introduce them to the jury.

19 Do we have their names?

20 MS. MULLIGAN: Yes, your Honor. They're on the list.

21 THE COURT: Thank you.

22 MS. MULLIGAN: You're welcome.

23 And Mr. Halligan is here.

24 THE COURT: Yes, Mr. Halligan.

25 All right. We're ready.

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1 THE DEPUTY CLERK: We're not.

2 (Discussion off the record)

3 THE COURT: We're told that there will be some time
4 before 200 jurors are checked in, compounded by the assistance
5 of a flood in the jury room.

6 Hang around. We'll keep you informed.

7 MS. ESTES: Your Honor, one other tiny thing.

8 We do have additional counsel at Kramer Levin who may
9 be joining us as counsel table.

10 I have a list. I'm happy to hand it up.

11 THE COURT: Please.

12 Members of the press have any questions?

13 Do the members of the press have any questions?

14 PRESS MEMBER: We'll have to choose representatives.

15 THE COURT: You have to choose two.

16 (Jury selection followed)

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